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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,372	09/16/2003	Hisashi Kobayashi	D-21,289	9409
27182	7590	09/27/2007		
PRAXAIR, INC. LAW DEPARTMENT - M1 557 39 OLD RIDGEBURY ROAD DANBURY, CT 06810-5113			EXAMINER COCKS, JOSIAH C	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <sup>ED</sup>
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EXAMINER
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ART UNIT	PAPER
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20070926

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

App. 10/662,372

See attached Notice of Non-Response Amendment.

**Notice of Non-Responsive Amendment**

1. Receipt of applicant's amendment filed July 12, 2007 is acknowledged. Applicant asserts that the amendments to claims 1 and 10 (and all claims dependent therefrom) should be construed to require that the nitrogen-enriched stream is fed to the means for feeding secondary air into the combustion device and that this feature in combination with the other features of the claims serves to patentably distinguish applicant's invention or the prior art. To this end applicant states:

“Now as amended, claims 1 and 10 (and all claims dependent therefrom) recite that the nitrogen-enriched stream is fed to the means for feeding secondary air into the combustion device.” (response, p. 12);

and

“since neither Burge nor Marin discloses or suggests a feature that is **required** by applicants' amended claims 1-20 (specifically feeding nitrogen-enriched stream to the means for feeding the secondary air), it flows that claim” (response, p. 13) (**emphasis added by examiner**) (*examiner note: it appears that this paragraph is incomplete in applicant's response*).

However, review of applicant's claim 10 reveals that this claim is recited in a Markush format that does not require that the nitrogen-enriched stream is fed to the means for feeding secondary air (note: claim 10 includes that the stream may alternatively be fed to the burn out zone). Applicant's only assertion of patentability of claim 10 is that the claim be regarded to require that the nitrogen-enriched stream is added to the means for feeding secondary air into the combustion device which does not correlate with the scope of claim 10 as currently pending. Accordingly, applicant has not “clearly pointed out the patentable novelty which he or she thinks

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the claims present in view of the state of the art disclosed by the references cited of the objections made” as required by 37 CFR 1.11(c).

Applicant must submit comments as to the patentability of claim 10 as currently pending or amend claim 10 to be of a scope consistent with applicant’s assertion of patentable novelty.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

#### ***USPTO Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on M-F 8:00-5:30.

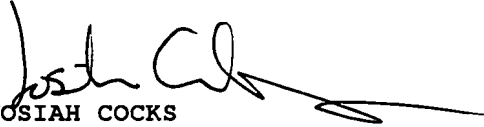
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Steven McAllister, can be reached (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jcc  
September 26, 2007



JOSIAH COCKS  
PRIMARY EXAMINER  
ART UNIT 3749